

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION

21ST ANNUAL REPORT
2003-2004





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HUMAN RIGHTS LAW ON PEI

The PEI *Human Rights Act* prohibits discrimination in certain situations on the basis of personal characteristics or "grounds." "Discrimination" is unequal, prejudicial treatment of persons.

Discrimination is prohibited in these **situations**:

-  Employment (all aspects, including the hiring stage, on the job and social activities)
-  Leasing or selling of property
-  Provision of accommodations, services or facilities to the public
-  Membership in professional, business or trade associations and employee organizations
-  Volunteer work
-  Publishing, broadcasting and advertising

"What a long way it seems the Commission has come since that day...We knew we were pioneers; and it was so exciting to have people start showing up on the doorstep wanting interpretations of their rights."

— Bea Mair, one of three first Commissioners

Discrimination is prohibited on the basis of any of the following **grounds**:

- Age
- Association
- Colour or Race
- Creed or Religion
- Criminal Conviction (in Employment only)
- Ethnic or National Origin
- Family Status
- Marital Status
- Physical or Mental Disability
- Political Belief
- Sexual Orientation
- Source of Income
- Sex (including Pregnancy and Harassment)
- Filing a complaint or giving evidence to the Commission

WORK OF THE COMMISSION

The Preamble to the *Human Rights Act* states, "[I]t is recognized in Prince Edward Island as a fundamental principle that all persons are equal in dignity and human rights."

Since the enactment of the *Human Rights Act* on September 11, 1976, the Prince Edward Island Human Rights Commission has been empowered to:

- administer and enforce the *Act*

- develop a program of public information and education in the field of human rights to forward the principle that every person is free and equal in dignity and rights.
- advise government on suggestions, recommendations and requests made by private organizations and individuals.
- report as required by the Minister on the business and activities of the Commission.
- consider, investigate or administer any matter or activity referred to the Commission by the Lieutenant Governor in Council or the Minister.

Since 1998, the Commissioners exercise quasi-judicial authority on public panel hearings.

The *Human Rights Act* is deemed to prevail over all other laws of the Province.

MESSAGE FROM THE CHAIR

Each year the Commission is required to submit to the Attorney General a report of its goals and results achieved during the reporting year. New staff members have brought new approaches to achieving our goals through education and complaint investigation. However, the protection of human rights through the

adjudicative process proved to be our biggest challenge.

The Prince Edward Island Legislature created the Human Rights Commission 28 years ago. In 1976, Executive Council appointed a member of the clergy, a lawyer and a retired school teacher as the first Commissioners. In 1998, Government amended the *Human Rights Act* to give the Commission the functions of a quasi-judicial tribunal. The *Act* now authorizes Commissioners to be decision-makers at human rights panel hearings. At the time the Commission's legislative mandate changed, the Province increased our staffing complement and our budget. Yet, there has been one constant. The number of Commissioners has remained at three, although as many as nine may be appointed.

In the past year, the Legislature amended the *Human Rights Act* to permit the Chairperson to name another Commissioner to act as Vice-Chair when the Chair is unavailable or unable to act. While the amendment allows some flexibility when the Chair names a Commissioner to a panel, there is a concern that the number of Commissioners may be insufficient to carry out our adjudicative mandate. During the past year, twelve complaints were referred to panel hearings, and one hearing was completed. The reasons why so few panel hearings were completed are mainly unrelated to our



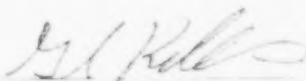
institutional resources; some matters scheduled for a hearing settled prior to the hearing and a group of eight similar complaints were set down but could not be heard because parties were unavailable. Nevertheless, there is an obvious need to schedule and complete hearings as quickly as possible.

Commissioner Angela Cormier's term of office expires in May 2004, and she has advised that, although she is eligible, she will not seek re-appointment. Her decision not to re-offer highlights one of the challenges of our organization. She has served the province well by handling two of our most complex cases, but she is unable to continue because of the time commitment.

Like other Commissioners, she is a non-lawyer who has attained a high level of expertise in the conduct of hearings. Yet, her expertise will be lost to the Commission because the demands of adjudication and decision writing are not compatible with her business and family life.

Our panel hearing system, designed to be an efficient alternative to the civil law court proceedings, has nevertheless been burdened by delays occasioned by the need to accommodate schedules of lawyers, witnesses, and Commissioners. Argument about preliminary disclosure of documents has also delayed the commencement of hearings. Our outgoing Commissioner advises that the level of procedural complexity in the hearing process surprised her, and

she did not realize the extent of the judicial scrutiny of her decisions. Almost 80% of our hearing decisions have been the subject of judicial review. In the past year alone, the Commission has participated in seven judicial review proceedings or other Supreme Court proceedings relating to our decisions. Our continuing challenge will be to provide efficient adjudication of human rights complaints, while assuring procedural safeguards that are not burdensome.



Major General George S. Kells
(Retired)

COMMISSIONERS' PROFILES

GEORGE S. KELLS, CHAIRPERSON Charlottetown

George Kells was appointed Chairperson of the Prince Edward Island Human Rights Commission on February 12, 1997. Prior to his retirement from the Canadian Armed Forces in 1993, Major General Kells held a number of senior level positions. Those positions included Deputy Chief of Staff, Operations Central Region, Trenton, Ontario; Director General, Conditions of Service, National Defence Headquarters, Ottawa; Chief of Personnel Services, National Defence Headquarters, Ottawa; and

Canadian Defence Attaché, Washington, DC. Altogether, Mr. Kells has served in four Canadian provinces and five foreign countries.

As Chief of Personnel Services, Mr. Kells had direct experience in personnel services policy including the areas of compensation and benefits, conditions of service, employment of women, and family support. As Director General, Conditions of Service, his duties included monitoring personnel policies, and creating policy and procedures to deal with morale difficulties, equal opportunities, official languages, and sexual harassment.

A native of Fredericton, Prince Edward Island, Mr. Kells attended high school at Prince of Wales College and received his B.A. in Commerce from the Royal Military College in Kingston, Ontario. Subsequent to his retirement, he was employed as the Canadian representative of an American consulting firm.

Since joining the Commission, Mr. Kells has attended administrative tribunal training sessions sponsored by the Atlantic Council of Administrative Tribunals. In 1998, he was appointed to the Board of the Council of Canadian Administrative Tribunals and is a member of the International Association of Official Human Rights Agencies (IAOHRA) and the Canadian Association of Statutory Human Rights Agencies (CASHRA). Mr. Kells'

appointment to the Commission expires in February 2006.

**RICHARD P. NOONAN,
COMMISSIONER
Summerside**

Dick Noonan was appointed Commissioner on February 12, 1997. A native of Summerside, Mr. Noonan is no stranger to the Commission, having served as Commissioner from 1985 to 1989. From 1990 to 1993, he served as a member of the Canadian Human Rights Tribunal.

In addition to previous experience at both provincial and national levels, Mr. Noonan has an extensive record of public service and experience in personnel matters. He served as Superintendent and Assistant Superintendent of Education in Regional Administrative Unit 2, Principal of Summerside High School and President of the Prince Edward Island Teachers' Federation. Mr. Noonan started his education career of thirty-five years as a teacher of Social Studies and English. Prior to that, he served two years active service and five years reserve in the Royal Canadian Navy.

Mr. Noonan received his Bachelor of Arts (History and English) from St. Dunstan's University, a Bachelor of Education from St. Francis Xavier and a Certificate in Administration from the University of New Brunswick. He later



attended numerous school administration and professional development programs.

Since joining the Commission, Mr. Noonan has attended administrative tribunal training sessions in Halifax, sponsored by the Canadian Institute for the Administration of Justice, as well as the Oxford Round Table on Human Rights and Employment Law at Oxford University. Mr. Noonan's appointment expires in February 2005.

**ANGELA A. CORMIER,
COMMISSIONER
Cape Egmont**

Angela Cormier was appointed Commissioner on May 3, 2001. Ms. Cormier is the sole proprietor of AcA Consultants Inc. She is fluent in both English and French. She received French Immersion training at Université of Moncton. Ms. Cormier has training in business management, multimedia, communication, adult education and virtual community development. As well, she has a diploma from St. Francis Xavier University.

Ms. Cormier is a former board member of the PEI Advisory Council on the Status of Women, Evangeline Regional Services Centre, Association des femmes acadiennes et francophones de Île-du-Prince-Édouard and a former Charter Board member of East Prince Health Authority. Ms. Cormier was founder and facilitator of Evangeline

Scouts, a member of the Advisory Committee for PEI Population Strategy, a member of the Advisory Committee for the restructuring of Health Services on PEI, and past president of Evangeline Home and School Association.

Since joining the Commission, Ms. Cormier has attended administrative tribunal training sessions in Ottawa sponsored by the Canadian Centre for Management Development. Ms. Cormier's appointment expires in May 2004.

COMMISSION STAFF

Gregory J. Howard, Executive Director

Jacqueline R. O'Keefe, Human Rights Officer

B. Lorraine Buell, Administrative/
Intake Officer

Mary Joan Campbell, Education Officer

A mature person is one who does not think only in absolutes, who is able to be objective even when deeply stirred emotionally, who has learned that there is both good and bad in all people and all things, and who walks humbly and deals charitably with the circumstances of life, knowing that in this world no one is all-knowing and therefore all of us need both love and charity. - Eleanor Roosevelt

THE COMPLAINT PROCESS

FILING A COMPLAINT

Any person, except the Commission or an employee of the Commission, who has reasonable grounds for believing that they have been discriminated against under the *PEI Human Rights Act*, may make a complaint to the Commission. The Commission accepts all written, signed and dated complaints submitted on the Commission's complaint form. Unlike some jurisdictions, the PEI Human Rights Commission does not distinguish between formal and informal complaints. Instead, if the written complaint is obviously not something that falls under the *PEI Human Rights Act*, the complainant is informed that the Commission has no jurisdiction to deal with their complaint. Whenever possible, staff members refer the complainant to a more appropriate organization to deal with their complaint, whether that be the Canadian Human Rights Commission, the Labour Board, Island Regulatory and Appeals Commission, Legal Aid, College of Physicians and Surgeons or other boards, commissions and organizations that serve the public.

WITHDRAWING A COMPLAINT

A complainant may withdraw a complaint anytime in the complaint process up until a panel hearing decision is rendered.

RESPONDING TO A COMPLAINT

After the complaint is filed, the Administrative/Intake Officer sends a copy of the complaint and a response form to the Respondent. The Respondent is required to file a written response to the complaint with the Commission within 30 days.

INVESTIGATING A COMPLAINT

The *Act* states that the Executive Director shall investigate and attempt to settle a complaint. However, the *Act* also states that, at any time, the Executive Director may dismiss or discontinue a complaint. Therefore, not all complaints will be investigated. A complaint may be dismissed anytime after a response is received if the complaint is deemed to be without merit. The complaint may be discontinued if the complainant has refused to accept a proposed settlement that is fair and reasonable or if the complaint could be dealt with more appropriately by an alternate method of resolution under any other Act, or if grievance or other review procedures are available.

The Executive Director may delegate investigation to the Commission's Human Rights Officer. The investigation usually includes interviews with the parties, witnesses and/or experts, and the gathering of other materials. When the investigation has

been completed, the Human Rights Officer may prepare an Investigation Report detailing the complaint and the information gathered during the investigation. This report is sent to both parties, who have 30 days to submit any further comments. The report is then forwarded to the Executive Director to assist in deciding whether to dismiss or discontinue the complaint, or recommend that the Chairperson forward the complaint to a panel hearing.

REVIEWING THE EXECUTIVE DIRECTOR'S DECISION

If the Executive Director dismisses or discontinues the complaint, the complainant has the option of asking the Chairperson of the Commission to review the Executive Director's decision. The Chairperson reviews the request and either upholds the Executive Director's decision or decides to send the complaint to a public panel hearing. If the Chairperson agrees with the Executive Director's decision to dismiss the complaint, the Complainant has 30 days from the date of the decision to file an application with the Supreme Court of Prince Edward Island, Trial Division, to have a judicial review of the Chairperson's decision.

SETTLEMENT

The Commission will try to assist the Complainant and Respondent to resolve the complaint through

settlement whenever possible. It is generally less costly and more effective if the Complainant and Respondent develop their own solution instead of having one imposed on them. A settlement may be agreed upon at any time before a human rights panel has made a ruling on the complaint.

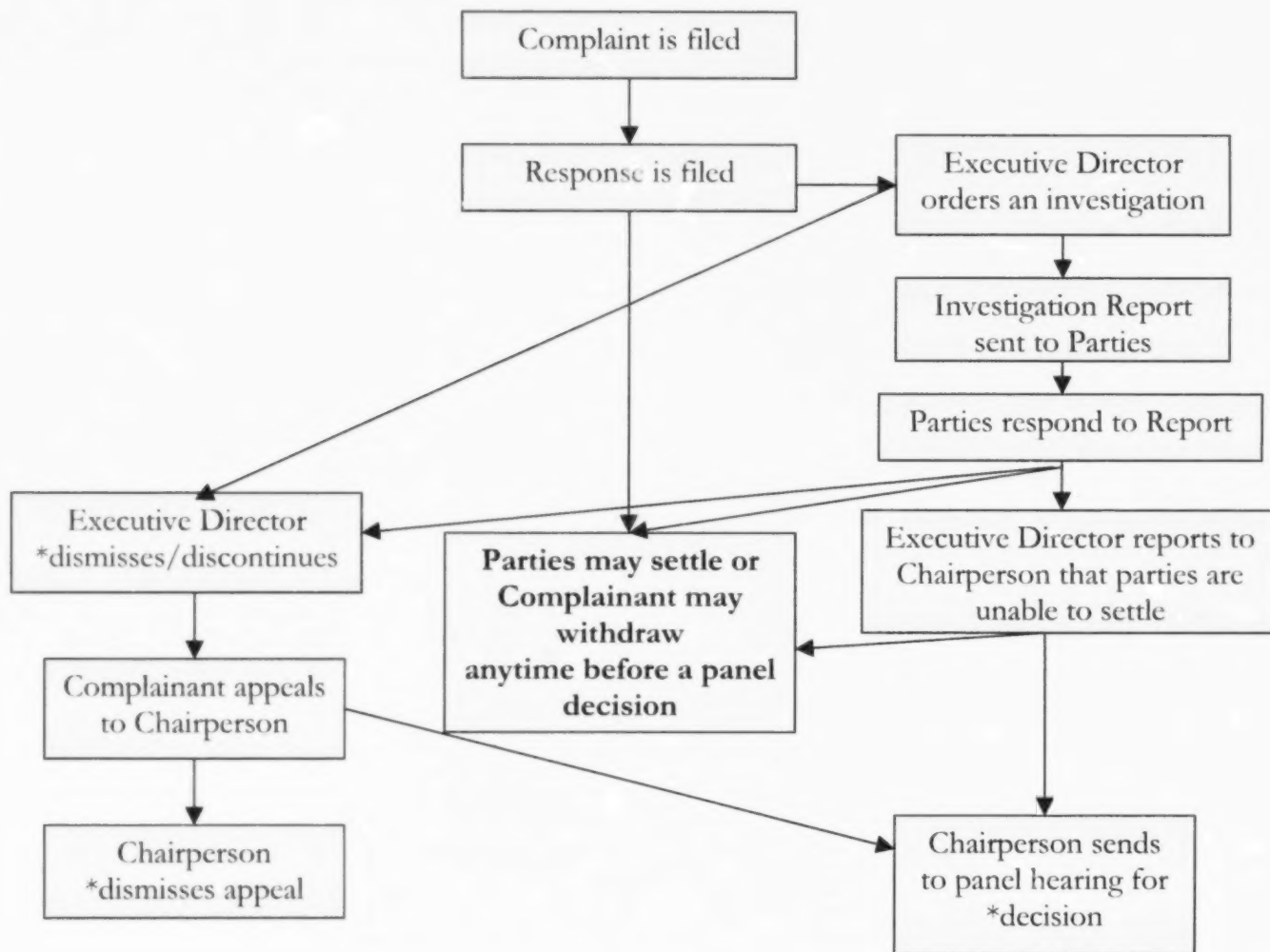
PANEL HEARINGS

If the Executive Director recommends to the Chair that a complaint be sent to a panel hearing, or if, upon review of the Executive Director's decision to dismiss a complaint, the Chair decides to send the complaint to a panel hearing, a time and place for the hearing is scheduled. The Chairperson forwards the complaint to a human rights panel consisting of one or more Commissioners of the PEI Human Rights Commission. The hearing is open to the public, unless the panel determines that the hearing should be held in private. Prior to the hearing, each party must submit any documents and written submissions on fact and law that they intend to rely on at the hearing. It is important to note that neither party is required to have legal counsel for a panel hearing. If they wish, they can seek legal counsel at their own expense. At the hearing, each party may call witnesses and make oral submissions. Once the hearing is completed, the Commissioner reviews the submissions and completes a written decision that is final and binding on both parties. Either party has 30 days from the date of the panel

decision to file an application with the Supreme Court of Prince Edward Island, Trial Division, if they wish to

have a judicial review of the panel decision.

COMPLAINT PROCESS FLOW CHART



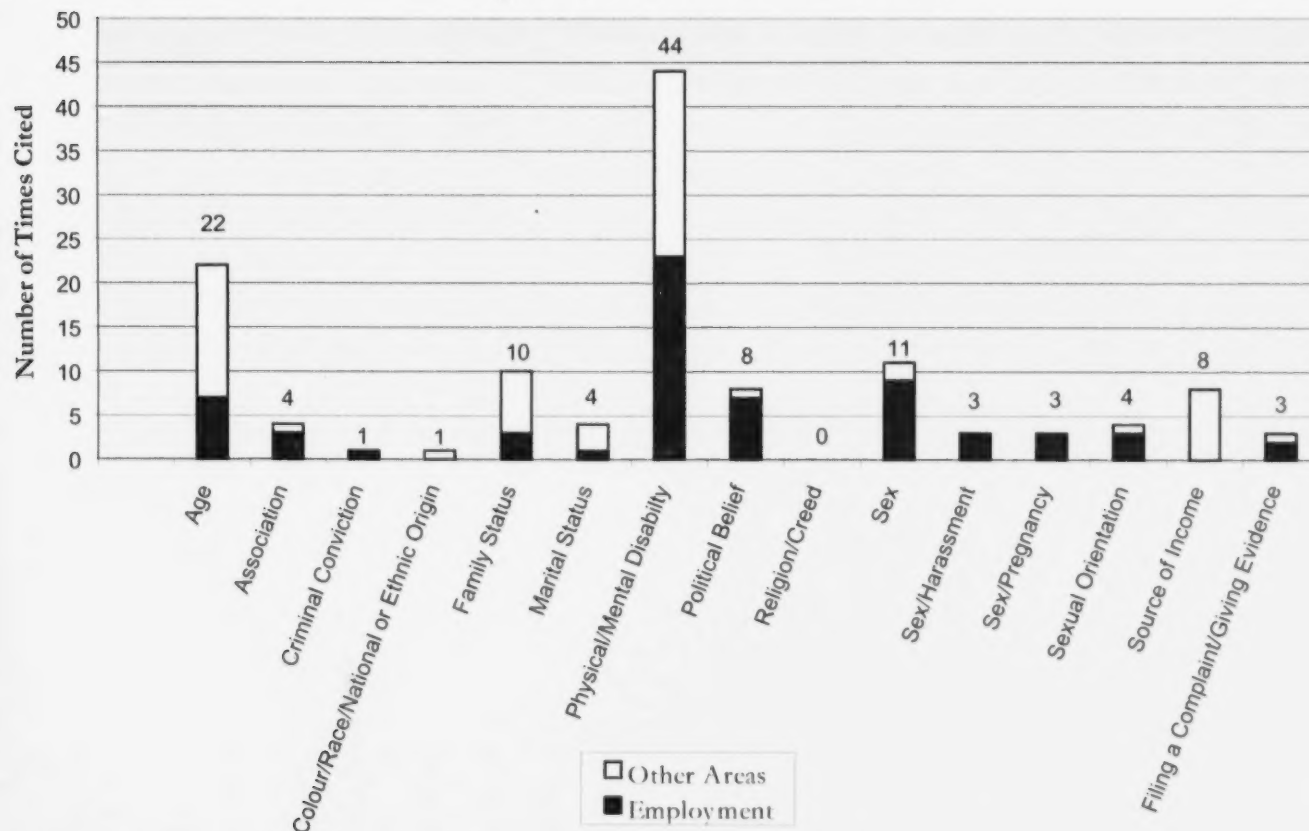
*Applications for judicial review of decisions are possible within 30 days of decisions being rendered.

COMPLAINT STATISTICS FOR 2003-2004

This year, the Commission is reporting the number of grounds cited in our complaints, rather than the number of complaints filed because some complaints cite more than one ground of discrimination. There were 52 complaints carried over from previous years, 59 new complaints were filed and 1 complaint was referred back after judicial review for further investigation

by the Commission. Of these 112 total complaints, 24 complaints were ones that we had no jurisdiction to deal with. Those 24 complaints are not counted among the "Grounds Cited in Active Complaints". In addition to written complaints, the Commission receives close to 1000 phone inquiries annually from Islanders concerned about their rights.

Grounds Cited in Active Complaints
April 1, 2003 - March 31, 2004

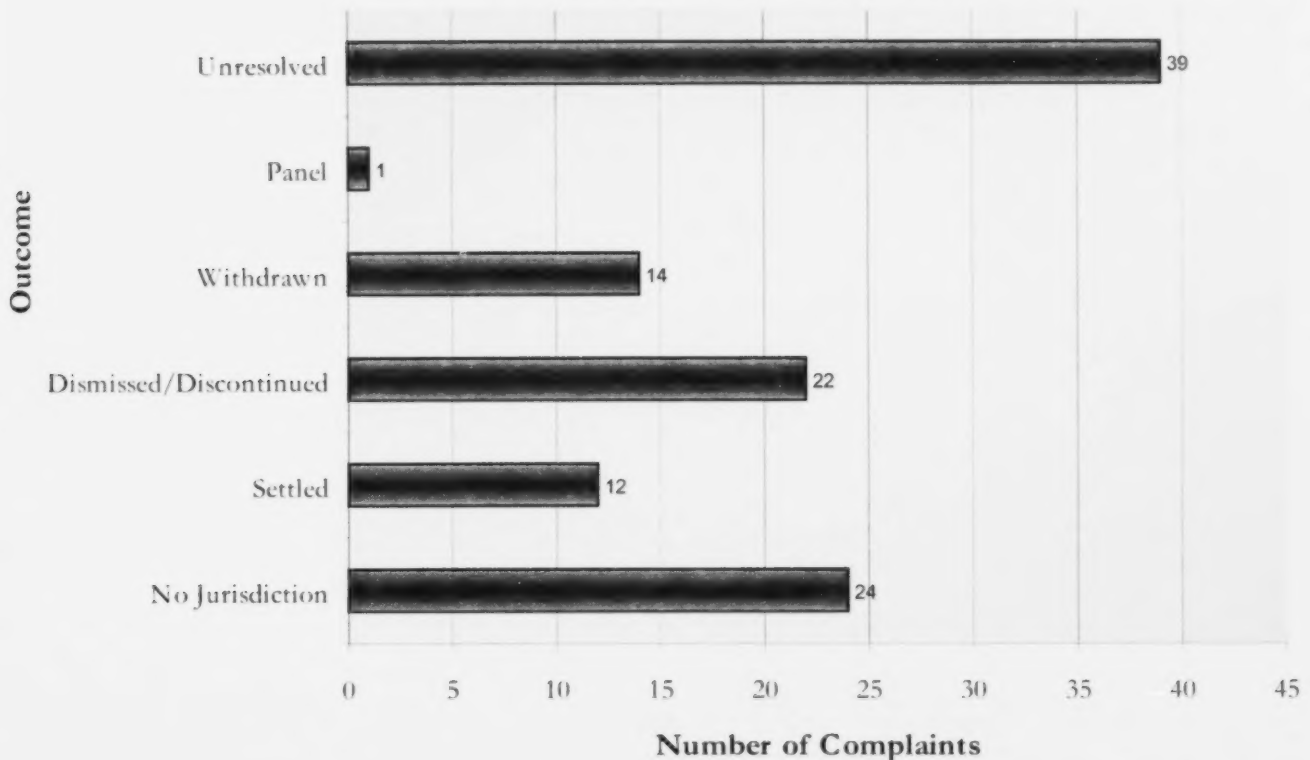


GROUND OF DISCRIMINATION CITED IN ACTIVE COMPLAINTS**APRIL 1, 2003 – MARCH 31, 2004**

Prohibited Ground	Grounds carried over from previous years		Grounds Cited in New Complaints filed		Total Grounds Cited in Active Files	
	Employment	Other Areas	Employment	Other Areas	Employment	Other Areas
Age	5	9	2	6	7	15
Association	0	0	3	1	3	1
Criminal Conviction	1	0	0	0	1	0
Ethnic, National Origin Colour/Race	0	1	0	0	0	1
Family Status	1	4	2	3	3	7
Marital Status	0	2	1	1	1	3
Physical/Mental Disability	13	17	10	4	23	21
Political Belief	4	0	3	1	7	1
Religion/Creed	0	0	0	0	0	0
Sex	7	0	2	2	9	2
Sex/Harassment	1	0	2	0	3	0
Sex/Pregnancy	0	0	3	0	3	0
Sexual Orientation	0	0	3	1	3	1
Source of Income	0	5	0	3	0	8
Filing a Complaint/ Giving Evidence	0	1	2	0	2	1
Subtotals	32	39	33	22	65	61
Totals	71		55		126	
No Jurisdiction	4	1	7	12	11	13

COMPLAINT OUTCOMES FOR 2003-2004

Outcomes of Active Complaints April 1, 2003 - March 31, 2004



Unresolved: includes complaints that are either still under investigation, undergoing settlement negotiations or awaiting a panel hearing.

Panel: complaints that underwent a panel hearing

Withdrawn: complaints withdrawn by complainant or complaints considered withdrawn as complainant cannot be reached

Dismissed/Discontinued: complaints dismissed or discontinued by Executive Director or Chairperson

Settled: complaints settled between parties without going to a panel hearing

No Jurisdiction: complaints filed that did not fall under the jurisdiction of the PEI *Human Rights Act* including those complaints filed outside the 1 year limitation period

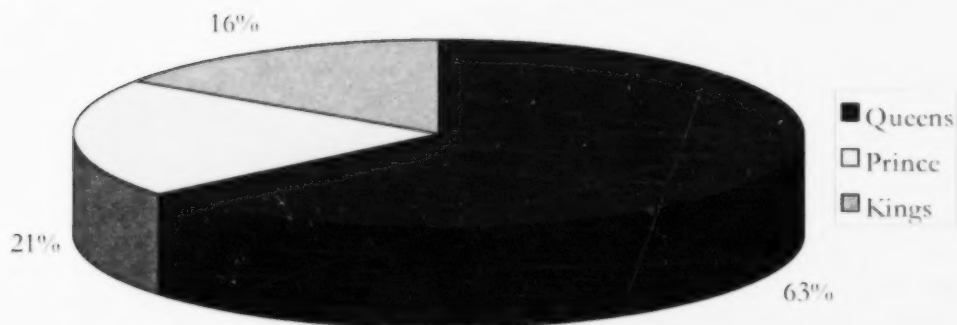
COMPLAINT OUTCOMES
APRIL 1, 2003 – MARCH 31, 2004

Prohibited Ground	No Jurisdiction	Settled	Dismissed/ Discontinued	Withdrawn	Panel	Unresolved as of March 31/04
Age	1	1	3	2	0	4
Association	0	0	0	0	0	0
Criminal Conviction	1	0	0	0	0	0
Ethnic, National Origin Colour/Race	3	0	1	0	0	0
Family Status	1	0	2	0	0	1
Marital Status	0	0	0	0	0	0
Physical/Mental Disability	4	4	5	9	0	13
Political Belief	1	0	2	0	1	1
Religion/Creed	0	0	0	0	0	0
Sex	0	3	3	0	0	1
Sex/Harassment	1	0	0	0	0	3
Sex/Pregnancy	0	0	0	0	0	3
Sexual Orientation	0	0	0	0	0	2
Source of Income	3	0	1	0	0	1
Filing a Complaint/ Giving Evidence	0	0	0	1	0	0
Complaint Filed Under #of Grounds	9	4	5	2	0	10
Totals	24	12	22	14	1	39

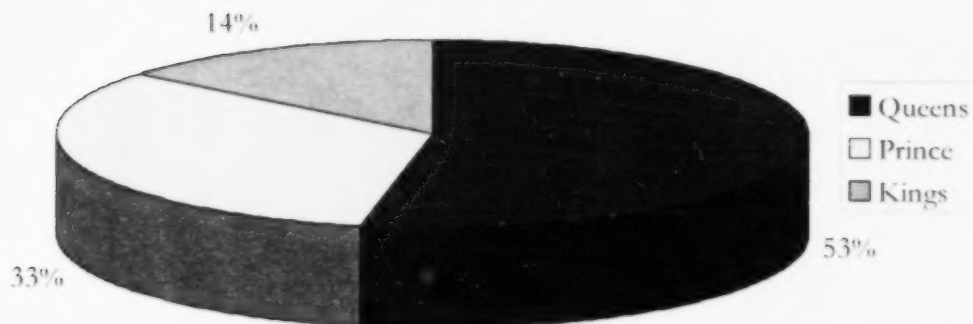


REGIONAL DISTRIBUTION OF NEW COMPLAINTS FILED

New Complaints Filed by County
April 1, 2003 - March 31, 2004



Population by County
Census 2001 Subdivisions, Statistics Canada

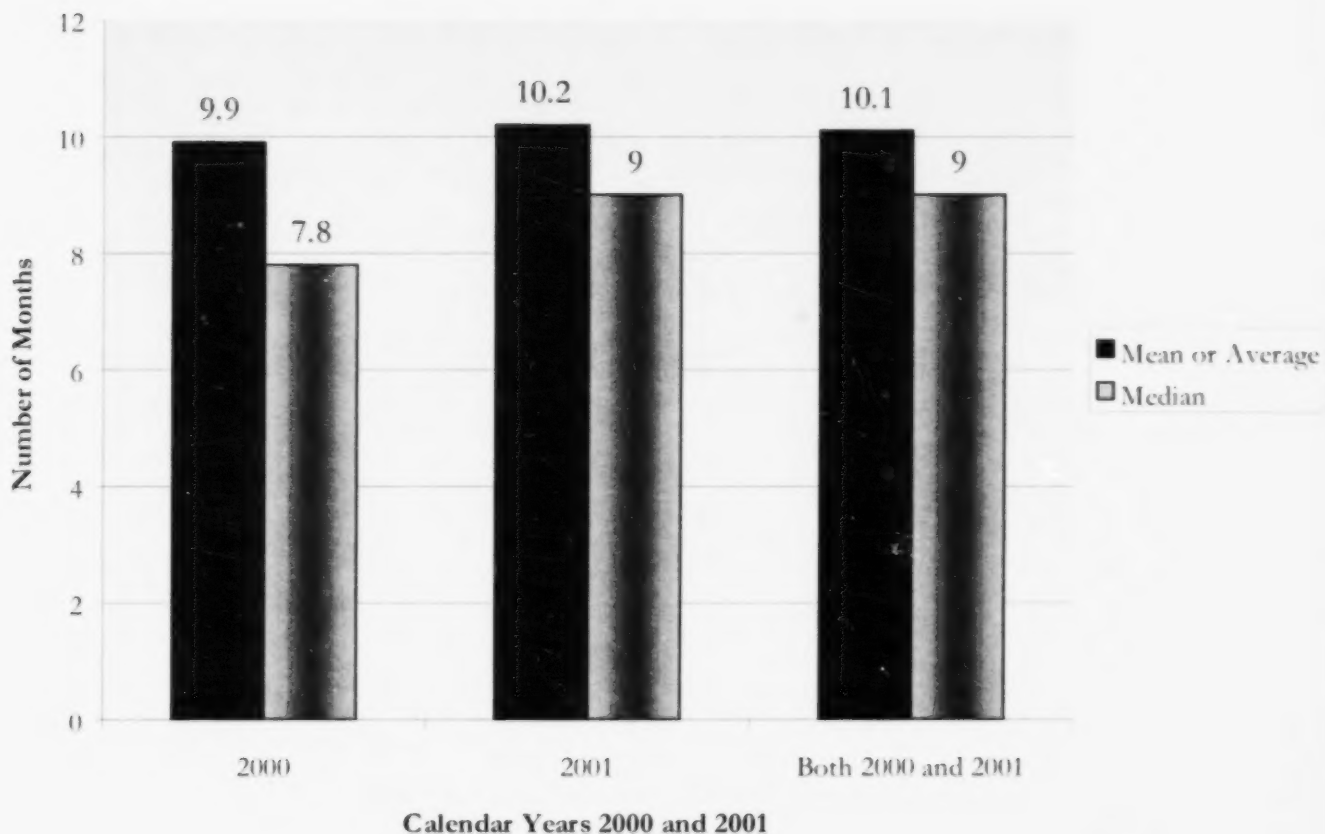


COMPLAINT PROCESSING TIME

The Commission completed a review of the processing times for all complaints from the calendar years 2000 and 2001. All complaints filed in these two years, with the exception of one complaint from 2001, have been closed. The exception from 2001 was still included because a settlement had been accepted by the end of this fiscal year. Therefore, both years offer

reliable information on our processing times. The figures below represent the number of months from the filing of a complaint to the date it is closed by a withdrawal, a decision by the Executive Director or Chairperson, or a panel decision. The figures do not include files that have been the subject of judicial review.

**Complaint Processing Times
Calendar Years 2000 and 2001**



LEGAL DECISIONS

The following is a list of legal cases involving or relating to the PEI Human Rights Commission.

Ayangma v. Human Rights Commission & Others, 2004 PESCTD 08

Date of Decision: January 28, 2004

Mr. Ayangma filed a complaint alleging that the French School Board refused to hire him because of his race, colour and ethnic origin. He sought judicial review of the Chairperson's decision agreeing with the Executive Director's dismissal of his complaint against the French School Board. After judicial review, the Appeal Division remitted the matter back to the Chair to appoint a Commissioner to hear the complaint at a public panel hearing. Mr. Ayangma was not successful at the panel hearing. In this second judicial review application on this complaint, Mr. Justice Campbell dismissed the application. Mr. Ayangma has appealed the dismissal.

Ayangma v. Human Rights Commission & Others, 2004 PESCTD 08

Date of Decision Costs: February 26, 2004

Justice Gordon Campbell ordered the Applicant, Mr. Ayangma, to pay costs in the sum of \$3000 to the French School Board.

Ayangma v. Human Rights Commission & French School Board, 2004 PESCTD 21

Date of Decision on costs: March 17, 2004.

Mr. Ayangma filed a motion for repayment of money that he posted as security of costs. The motion was denied because the proceeding is still under appeal.

Ayangma v. Human Rights Commission & Eastern School Board, 2003 PESCTD 95

Date of Decision: November 18, 2003

Mr. Ayangma filed a complaint alleging that the Eastern School Board refused to hire him because of his race, colour, age and ethnic origin. The Executive Director referred the complaint to the New Brunswick Commission for investigation. After investigation the Executive Director dismissed the complaint and the Chair upheld the dismissal. A first judicial review resulted in the matter being sent back to the New Brunswick Commission's investigator, acting as the Executive Director's delegate. He dismissed the complaint and the Chair upheld the dismissal. On this second judicial review, Mr. Justice Cheverie dismissed Mr. Ayangma's application. Mr. Ayangma has appealed. Costs were awarded to the Eastern School Board in the amount of \$1000.

Ayangma v. Human Rights Commission & Eastern School Board, 2003 PESCAD 3

Date of Decision: February 2, 2004

The Eastern School Board later filed a motion for an order quashing the appeal or, in the alternative, an order striking the notice of appeal and security for costs, as well as costs of the motion. The Appeal Division dismissed the motion in its entirety, with costs awarded to Mr. Ayangma in the amount of \$1000.

Matheson v. PEI Human Rights Commission & the Presbytery of PEI, 2003 PESCTD 87

Date of Decision: November 7, 2003

Reverend Gael Matheson filed a complaint with the Commission on February 16, 1998, alleging discrimination in employment on the basis of sex. The Executive Director held that the complaint was filed outside the one-year limitation period. On review, the Chair agreed. The Complainant filed for judicial review, and a judge of the Supreme Court ([2001] P.E.I.J. No. 109) sent the matter back to the Chairperson to decide whether certain acts outlined by Rev. Matheson constituted new acts of discrimination. The Chair held that there were no new acts of discrimination after the limitation period had expired. The Complainant applied for judicial review. Mr. Justice Jenkins held that the Chairperson erred. He ordered that the complaint

be remitted back to the Executive Director for investigation.

Attorney General v. Ayangma, 2003 PESCTD 74

Date of Decision: September 15, 2003

The Attorney General for the Province made application to have Mr. Ayangma declared a vexatious litigant. While the Commission was not a party to this complaint, the outcome was of interest because of Mr. Ayangma's various proceedings involving the Commission. Mr. Justice Cheverie granted the Attorney General's application and declared Mr. Ayangma a vexatious litigant. Mr. Ayangma must ask for leave from a judge before commencing new actions. He has appealed this decision. The Attorney General was awarded \$1000 for costs.

Jenkins v. City of Charlottetown & Others, 2003 PESCTD 34

Date of Judgement: April 4, 2003

Mr. Jenkins filed a complaint against the City, alleging that the flying of the rainbow flag on City property to mark Gay Pride celebrations discriminated against him in the provision of a service on the basis of his religious belief. The Executive Director dismissed the complaint and the Chairperson upheld the decision on review. The Complainant filed an application for judicial review. Madam Justice Matheson dismissed the application.

Town of Kensington v. Deware & Human Rights Commission
Awaiting Decision

Ms. Deware filed a complaint with the Commission alleging that the Town of Kensington discriminated against her by failing to hire her as a Summer Constable on the basis of sex and marital status. The Executive Director referred the complaint to a panel hearing. The panel decided that Ms. Deware had faced discrimination and ordered that the Town of Kensington write her a letter of apology and a letter of recommendation, as well as pay her lost wages and \$4000 for hurt and humiliation. The Town of Kensington has filed for judicial review of the panel's decision. The appeal was heard in November 2003 and no decision had been rendered by the end of the fiscal year.

PANEL HEARINGS

The Commission scheduled a total of four panel hearings this fiscal year; one was settled and two were withdrawn shortly before the hearings were to take place. The only complaint to go forward to a panel hearing was the following:

Stephen Dowling v. Government of Prince Edward Island

Hearing Dates: August 21, November 25, 26, 27, December 17, 2003

Stephen Dowling filed a complaint with the Prince Edward Island Human Rights Commission on August 15, 1997. Mr. Dowling alleged that the Government of Prince Edward Island discriminated against him in employment on the basis of political belief by failing to renew his seasonal contract at the Links at Crowbush Cove (Crowbush) where he had been a golf professional for the four previous seasons. He had also been employed seasonally for 12 years at the Mill River course. In the spring of 1996, Mr. Dowling was granted a leave of absence in order to offer as a Liberal candidate in the provincial election. The vote was held on November 18, 1996, and Mr. Dowling was defeated by the Progressive Conservative candidate. The Conservatives won a majority government.

Government responded to the complaint by denying the allegation of discrimination. They alleged that all golf professional positions had been eliminated as a part of a reorganization. Government claimed the decision to eliminate the Complainant's and two other golf professional positions was management's prerogative and was not related to Mr. Dowling's political affiliation.

The Executive Director dismissed Mr. Dowling's complaint on the basis that Government eliminated all the golf professional positions and that no golf professionals had been hired at the provincially operated courses since the

positions were eliminated. The Executive Director also accepted that golf shop supervisors were paid approximately half the amount that had been paid to Mr. Dowling as a golf professional.

After receiving a request from Mr. Dowling for a review of the Executive Director's decision, the Chairperson directed that the complaint be forwarded to a public panel hearing. Commissioner Angela Cormier heard the matter but had not rendered her decision by the end of the fiscal year.

SETTLEMENTS

The following are examples of some of the human rights complaints that the Commission investigated and resolved during the 2003 - 2004 fiscal year:

AGE

Settlement brings change to venue's policy regarding children...

The Complainant filed a complaint of discrimination against an entertainment venue because she and her family were refused admission. They wished to bring their 5 month old child, however, the venue's policy was that children under the age of 2 years were not permitted. In a settlement reached by the parties, the Respondent made changes to its policies and provided the Complainant and her family with complimentary tickets.

DISABILITY

Workers with disabilities receive compensation...

An agricultural worker with Tourette Syndrome filed a complaint of discrimination against his employer. The worker's wages were reduced and he was not given an opportunity to advance within the company. The Complainant had to take a leave from his employment due to another health issue but he kept in touch with the Respondent while absent from work. However, when he attempted to return to work a few months later, he was advised that his position had been filled. In a settlement reached by the parties, the Respondent agreed to pay compensation for general damages to the Complainant.

A construction trade worker with a learning disability filed a human rights complaint alleging that his former employer had discriminated against him in the matter of employment on the basis of a disability. The worker had been laid off due to a work slow down and was not re-hired when production improved. In a settlement reached by the parties, the Respondent agreed to pay compensation for general damages to the Complainant.

Business makes improvements for people with visual impairments...

The Complainant has a visual

impairment and requested that a business paint a yellow line on their curbing in order to assist him to access the premises. When this request was denied, the Complainant filed a human rights complaint alleging that the business had discriminated against him by not accommodating his disability by facilitating his access to the building. In a settlement reached by the parties, the Respondent painted the curbing yellow to facilitate future access for people who have visual impairments.

SEX – HARASSMENT

Worker receives compensation for wage loss in harassment complaint...

The Complainant filed a human rights complaint alleging that another staff member had sexually harassed her, both while she was working and while she was at her place of employment as a customer. The Complainant requested accommodation, but none was made. The Complainant quit her job as she felt she could no longer work for the Respondent. In a settlement reached by the parties, the Respondent agreed to pay wage replacement to the Complainant and to prepare a letter of recommendation for her. Further, the Respondent disciplined the staff member based on the allegations of sexual harassment.

Honest disagreement is often a good sign of progress. -Mahatma Ghandi

EDUCATIONAL OUTREACH

In keeping with its legislated mandate to develop a program of public information and education in the field of human rights, the PEI Human Rights Commission has developed a new Strategic Plan for the Education Program for the next two years. The vision for the Program is “Broadening Islanders’ Awareness of Human Rights,” with a mission “to design, develop, deliver, promote and share informational tools for and with the public in the field of human rights.”

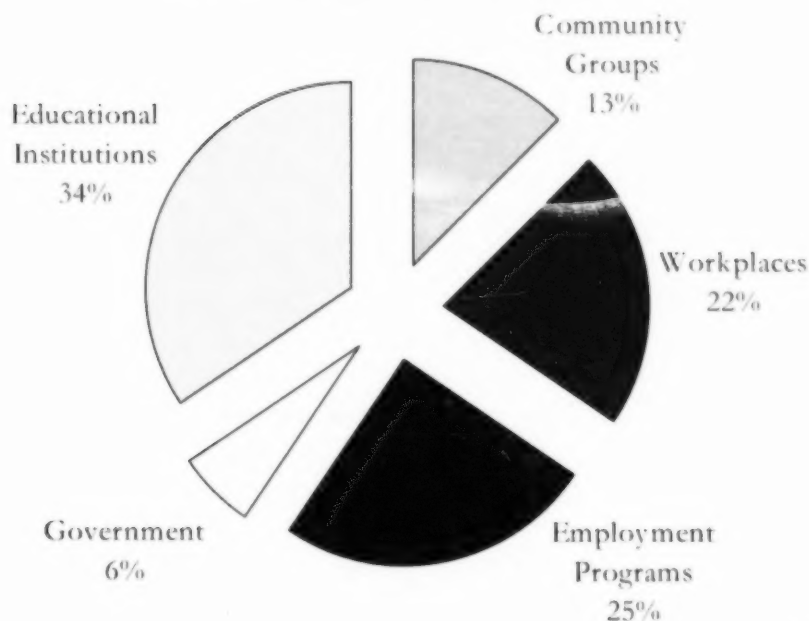
One key aspect of the strategy was the hiring of a bilingual Education Officer on September 2, 2003. While Mary Joan Campbell became familiar with various human rights issues in the first few months of employment, she has concentrated on the development of several PowerPoint presentations for various subjects and diverse audiences. Some of the topics include: “Human Rights on PEI,” “Droits de la personne à l’Î.-P.-É.,” “Human Rights in Employment,” “Harassment in the Workplace,” “Sexual Harassment,” “Sexual Orientation: The Law and Diversity Policies.” and “The Employers’ Perspective.” In the last half of this fiscal year, the Education Officer delivered over 30 presentations, reaching almost 700 Islanders. While the largest number of requests for presentations came from educational institutions and employment program initiatives, the Education Officer looks forward to doing more outreach in

other areas, such as workplaces. These presentations remain free of charge and we encourage the public to access this service.

While a good part of the last few months has been spent developing presentations, the Education Officer has also been busy organizing and participating in public events that promote human rights awareness. An event was held at the Charlottetown Hotel on December 10th to commemorate the International Day of Human Rights. The Premier's Award for Diversity Leadership was presented at the event to provincial government employees who showed leadership in creating a diverse, welcoming and inclusive public service workplace. The

Commission also helped with the publicity of an event to celebrate March 21st, the International Day for the Elimination of Racism. This event was a great success with the performance of "Trust in Diversity," a play written and produced by Farida Chishti. RCMP awards were presented to Island students who submitted the winning entries for both the RCMP's March 21st Awards as well as those who submitted videos to Canadian Heritage's National Video Competition. Other events in which the Commission participated included Spring Park Elementary School's celebrations of National Child Day on November 20th and the Advisory Council on the Status of Women's celebrations of International Women's Day on March 8th.

**Human Rights Education
Presentations by Group Type
September 2, 2003 - March 31, 2004**



AUDITOR GENERAL

**CHARLOTTETOWN
PRINCE EDWARD ISLAND**

**PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION
FINANCIAL STATEMENTS**

MARCH 31, 2004

AUDITOR GENERAL

CHARLOTTETOWN
PRINCE EDWARD ISLAND

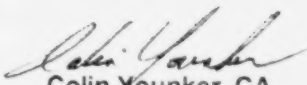
AUDITOR'S REPORT

To the Commissioners of the
Prince Edward Island Human Rights Commission

I have audited the balance sheet of the Prince Edward Island Human Rights Commission as at March 31, 2004 and the statements of revenues, expenditures, and surplus (deficit) and cash flows for the year then ended. These financial statements are the responsibility of the Commission's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the Commission as at March 31, 2004 and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.


Colin Younker, CA
Auditor General

Charlottetown, Prince Edward Island
April 15, 2004

STATEMENT 1

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION

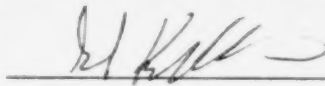
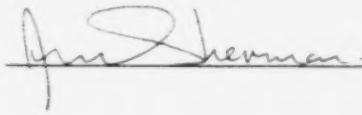
BALANCE SHEET

AS AT MARCH 31, 2004

	<u>2004</u>	<u>2003</u>
ASSETS		
Current Assets		
Cash	\$7,819	\$ -
Accounts receivable - General	1,420	2,770
- Province of PEI	-	9,447
Prepays	387	1,918
	<u>\$9,626</u>	<u>\$14,135</u>
LIABILITIES AND SURPLUS (DEFICIT)		
Current Liabilities		
Bank advances	\$ -	\$ 3,684
Accounts payable	12,060	10,451
	12,060	14,135
Surplus (Deficit) - Statement 2	(2,434)	-
	<u>\$9,626</u>	<u>\$14,135</u>

(The accompanying notes are an integral part of these financial statements.)

SIGNED ON BEHALF OF THE COMMISSION:

COMMISSIONER: COMMISSIONER: 

STATEMENT 2

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION
 STATEMENT OF REVENUES, EXPENDITURES, AND SURPLUS (DEFICIT)
 FOR THE YEAR ENDED MARCH 31, 2004

	<u>2004</u>	<u>2003</u>
Revenues		
Province of P.E.I. - Grant	\$318,200	\$315,647
CASHRA Conference - Note 6	<u>-</u>	<u>37,930</u>
	<u>318,200</u>	<u>353,577</u>
Expenditures		
Bank charges	28	20
CASHRA Conference - Note 6	-	48,762
Cleaning	3,501	3,455
Commissioners' honoraria and expenses	26,339	31,665
Furniture and equipment - Note 2	3,808	2,650
Memberships and conferences	11,562	7,309
Miscellaneous	2,143	1,333
Office materials and supplies	2,905	1,917
Photocopying	3,884	5,770
Professional fees	10,524	1,470
Rent	17,500	17,500
Salaries and benefits - Note 5	226,605	224,732
Snow removal	1,230	1,285
Staff travel	5,410	4,093
Telephone	<u>5,195</u>	<u>5,264</u>
	<u>320,634</u>	<u>357,225</u>
Excess expenditures for the year	(2,434)	(3,648)
Surplus (Deficit), beginning of year	<u>-</u>	<u>3,648</u>
Surplus (Deficit), end of year	<u>\$ (2,434)</u>	<u>\$ -</u>

(The accompanying notes are an integral part of these financial statements.)

STATEMENT 3

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION

STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED MARCH 31, 2004

	<u>2004</u>	<u>2003</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash received from Province of PEI for operations	\$327,647	\$306,200
Cash received from other sources for operations	1,350	35,543
Cash paid for salaries and benefits	(226,605)	(224,732)
Cash paid for materials and services	<u>(90,889)</u>	<u>(140,947)</u>
Net increase (decrease) in cash	11,503	(23,936)
Cash (bank advances), beginning of year	<u>(3,684)</u>	<u>20,252</u>
Cash (bank advances), end of year	<u>\$ 7,819</u>	<u>\$ (3,684)</u>

(The accompanying notes are an integral part of these financial statements.)

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION

NOTES TO FINANCIAL STATEMENTS

MARCH 31, 2004

1. Purpose of the Organization

The P.E.I. Human Rights Commission is a corporate body which is responsible for administering and enforcing the provincial Human Rights Act. The Commission provides education and public information in the field of human rights. The Commission also inquires into and endeavours to effect a settlement of any complaint of a violation of the Human Rights Act filed with the Commission as prescribed by the Act.

2. Significant Accounting Policy

Basis of presentation

These statements were prepared in accordance with Canadian generally accepted accounting principles for non-profit organizations, with office equipment, furniture and computer software expensed in the year purchased. Furniture and equipment expensed for the year ended March 31, 2004 were \$3,808 (2003 - \$2,650).

3. Provincial Appropriations

Legal fees for the year ended March 31, 2003 totalling \$13,348 were paid on the Commission's behalf by the Province of Prince Edward Island through the Office of the Attorney General. These fees are not included in Statement 2. As of April 1, 2003 the Commission was responsible to pay their own legal fees and as such fees are now reflected in Statement 2.

4. Lease Commitment

The Commission leases its office premises and a photocopier. The future minimum lease payments are as follows:

<u>Fiscal Year</u>	<u>Amount</u>
2005	\$ 20,871
2006	22,661
2007	23,661
2008	24,661
2009	25,661
2010	2,108
	<u>\$119,623</u>

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION

NOTES TO FINANCIAL STATEMENTS

MARCH 31, 2004

5. Pension Costs

The employees at the Commission participate in a defined contribution pension plan. The Commission makes contributions amounting to 6.95% on that part of the salary on which Canada Pension Plan contributions are made and 8.75% on salary when Canada Pension Plan contributions are not required. The employee is not required to match or contribute to the pension. These contributions are paid to a Registered Retirement Plan as selected by the employee.

6. CASHRA Conference

The P.E.I. Human Rights Commission hosted a Conference of the Canadian Association of Statutory Human Rights Agencies (CASHRA) May 26 to May 28, 2002. During the fiscal year ended March 31, 2003, conference revenues and expenses consisted of the following:

	<u>2003</u>
Revenues	
Registration fees	\$34,425
Ticket sales	430
Sponsorships	1,250
Provincial contribution	1,750
Other	75
	<u>\$37,930</u>
Expenses	
Management fees	\$ 2,462
Meals and entertainment	25,287
Registration costs	2,150
Meeting expenses	2,565
Translations services	6,036
Speakers	6,825
Office supplies	1,163
Postage	392
Advertising	196
Miscellaneous	1,686
	<u>\$48,762</u>



The Prince Edward Island
Human Rights Commission
is an independent, arms-length body
that investigates, attempts to settle
and makes rulings on complaints of discrimination
that fall under the PEI *Human Rights Act*

For more information, contact us at:

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PO Box 2000
Charlottetown PE
C1A 7N8

Ph: (902) 368-4180
1-800-237-5031 (PEI Only)
Fax: (902) 368-4236
www.gov.pe.ca/humanrights